IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.E.N.PATRUDU

WRIT PETITION No.1601 OF 2006

Between:

The Chief Engineer (P),

Neelam Sanjeeva Reddy Sagar Project,

Gagan Vihar, Hyderabad, and others.

..... PETITIONERS

AND

K.B.Ramulu, Work Inspector,

S.R.B.C.Sub Division No.4,

Perusomula, Koila Kuntla Division,

Nandyal Circle-III, Kurnool Dist.

....RESPONDENT

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.E.N.PATRUDU

WRIT PETITION No.1601 OF 2006

O R D E R

(Per Sri Justice J.Chelameswar)

Aggrieved by the order in O.A.No.4568 of 2002, dated 05.03.2004 on the file of the A.P. Administrative Tribunal, the unsuccessful respondents therein preferred the present writ petition.

The sole respondent herein was appointed as Work Inspector Grade-III on daily wage basis by the erstwhile Corporation owned by the State called as A.P.State Construction Corporation Limited. The services of the respondent were actually utilized in one of the Units of the said Corporation at Srisailam. At the time of winding up of the Corporation, the services of all the employees of the said Corporation were terminated. It appears that the respondent approached the Labour Court by way of filing I.D.No.73 of 1982. By an Award dated 29.10.1984 the Labour Court directed the reinstatement of the respondent with full back wages and continuity of service. The petitioners herein unsuccessfully challenged the said Award before this Court. A number of employees of the above-mentioned Corporation had earlier approached the Supreme Court by way of Writ Petition No.6081 of 1983, which was disposed of by an order dated 26.11.1985. The order of the Supreme Court, in substance, directing that the services of the employees of the above-mentioned Corporation shall be continued on the same terms and conditions either in a Government Department or in some other Government-owned Corporation. Pursuant to the said decision, the Government issued G.O.Ms.No.88, Irrigation and CAD (PW-ESTT.I) Department, dated 26.03.1993 prescribing the modalities to be followed for implementing the directions of the Supreme Court, the details of which may not be necessary for the present purpose. Admittedly, the respondent was retained at the Irrigation Department as a daily wage Work Inspector Grade-III for all these years. The respondent therefore approached the A.P. Administrative Tribunal by way of the above-mentioned O.A. with a prayer as follows:

> "It is therefore prayed that this Hon'ble Tribunal may be pleased an order declaring that the action of the Respondents in paying the applicant the daily wages, as illegal and arbitrary and consequently to direct the Respondents to fix the pay of the applicant in appropriate scale attached to the post of Work Inspector Grade.III, taking into the seniority and the revision of pay scale and to pass such other order or orders as this Honourable Tribunal may deem fit and proper."

The learned Government Pleader appearing for the petitioners submitted that since the services of the respondent have not yet been regularised, the question of fixation of the pay of the respondent does not arise. The respondent did not even seek the relief of the regularization of his services in the above-mentioned O.A. He, therefore submitted that the order under challenge is not sustainable in law.

As can be seen from the facts narrated above, the services of the respondent have been availed by the petitioners for 30 full years, but yet the petitioners never chose to regularise the services of the respondent notwithstanding a direction of the Supreme Court for absorption of the services of all the employees of the erstwhile Corporation and the consequential decision of the Government in G.O.Ms.No.88, dated 26.03.1993. It is not very clearly stated either in the affidavit filed before us or in the order of the Administrative Tribunal, as to what is the stage of the implementation of the order of the Supreme Court, referred to earlier.

In the circumstances, we do not see any reason to interfere with the order under challenge. The writ petition is dismissed at the admission stage itself.

JUSTICE J.CHELAMESWAR

JUSTICE M.E.N.PATRUDU

1st FEBRUARY, 2006

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.E.N.PATRUDU

WRIT PETITION No.1601 OF 2006

(Per Sri Justice J.Chelameswar)

1st FEBRUARY, 2006